UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

TRI-CORP HOUSING, INC,

Plaintiff,

v. Case No. 12-C-216

ROBERT BAUMAN, ALDERMAN

Defendant.

AFFIDAVIT IN SUPPORT OF DEFENDANT'S MOTION TO EXCLUDE TESTIMONY BY MICHAEL BREVER ON DAMAGES

Jan A. Smokowicz, being first duly sworn on oath, states as follows:

- 1. I am an attorney, licensed to practice law in the State of Wisconsin, employed as an Assistant City Attorney for the City of Milwaukee, and I have been assigned to represent the interests of the defendant Robert Bauman in the above-captioned case.
- 2. Attached hereto and incorporated herein by reference as Attachment A is a true and correct copy of the March 20, 2009 Affidavit of Michael S. Brever filed on behalf of Tri-Corp Housing, Inc. in the previous action in the Wisconsin Circuit Court.
- 3. Attached hereto and incorporated herein by reference as Attachment B is a true and correct copy of certain pages of testimony from the transcript of the deposition of Michael S. Brever taken in the previous action in the Wisconsin Circuit Court.

3. This affidavit is filed in support of the motion for summary judgment of the defendant Robert Bauman to exclude testimony by Michael Brever on damages.

Dated at Milwaukee, Wisconsin this 11th day of January, 2013.

s/JAN A. SMOKOWICZ

Subscribed and sworn to before me this 11th day of January, 2013.

s/THOMAS D. MILLER State of Wisconsin, Notary Public My Commission: is permanent

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